

SEC. 302. UNITED STATES EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS WITH VIETNAM.

It is the policy of the United States that programs of educational and cultural exchange with Vietnam should actively promote progress toward freedom and democracy in Vietnam by providing opportunities to Vietnamese nationals from a wide range of occupations and perspectives to see freedom and democracy in action and, also, by ensuring that Vietnamese nationals who have already demonstrated a commitment to these values are included in such programs.

TITLE IV—UNITED STATES REFUGEE POLICY

SEC. 401. REFUGEE RESETTLEMENT FOR NATIONALS OF VIETNAM.

(a) **POLICY OF THE UNITED STATES.**—It is the policy of the United States to offer refugee resettlement to nationals of Vietnam (including members of the Montagnard ethnic minority groups) who were eligible for the Humanitarian Resettlement (HR) Program, the Orderly Departure Program (ODP), Resettlement Opportunities for Vietnamese Returnees (ROVR) Program, the Amerasian Homecoming Act of 1988, or any other United States refugee program and who were deemed ineligible due to administrative error or who for reasons beyond the control of such individuals (including insufficient or contradictory information or the inability to pay bribes demanded by officials of the Government of Vietnam) were unable or failed to apply for such programs in compliance with deadlines imposed by the Department of State.

(b) **AUTHORIZED ACTIVITY.**—Of the amounts authorized to be appropriated to the Department of State for Migration and Refugee Assistance for each of the fiscal years 2008, 2009, and 2010, such sums as may be necessary are authorized to be made available for the protection (including resettlement in appropriate cases) of Vietnamese refugees and asylum seekers, including Montagnards in Cambodia.

TITLE V—ANNUAL REPORT ON PROGRESS TOWARD FREEDOM AND DEMOCRACY IN VIETNAM

SEC. 501. ANNUAL REPORT.

(a) **IN GENERAL.**—Not later than 6 months after the date of the enactment of this Act and every 12 months thereafter, the Secretary of State shall submit to the Congress a report on the following:

(1)(A) The determination and certification of the President that the requirements of subparagraphs (A) through (E) of section 101(a)(2) have been met, if applicable.

(B) The determination of the President under section 101(b)(1), if applicable.

(2) Efforts by the United States Government to secure transmission sites for Radio Free Asia in countries in close geographical proximity to Vietnam in accordance with section 301(a).

(3) Efforts to ensure that programs with Vietnam promote the policy set forth in section 302 and with section 105 of the Human Rights, Refugee, and Other Foreign Policy Provisions Act of 1996 regarding participation in programs of educational and cultural exchange.

(4) Steps taken to carry out the policy under section 401(a).

(5) Lists of persons believed to be imprisoned, detained, or placed under house arrest, tortured, or otherwise persecuted by the Government of Vietnam due to their pursuit of internationally recognized human rights. In compiling such lists, the Secretary shall exercise appropriate discretion, including concerns regarding the safety and security of, and benefit to, the persons who may be included on the lists and their families. In

addition, the Secretary shall include a list of such persons and their families who may qualify for protections under United States refugee programs.

(6) A description of the development of the rule of law in Vietnam, including, but not limited to—

(A) progress toward the development of institutions of democratic governance;

(B) processes by which statutes, regulations, rules, and other legal acts of the Government of Vietnam are developed and become binding within Vietnam;

(C) the extent to which statutes, regulations, rules, administrative and judicial decisions, and other legal acts of the Government of Vietnam are published and are made accessible to the public;

(D) the extent to which administrative and judicial decisions are supported by statements of reasons that are based upon written statutes, regulations, rules, and other legal acts of the Government of Vietnam;

(E) the extent to which individuals are treated equally under the laws of Vietnam without regard to citizenship, race, religion, political opinion, or current or former associations;

(F) the extent to which administrative and judicial decisions are independent of political pressure or governmental interference and are reviewed by entities of appellate jurisdiction; and

(G) the extent to which laws in Vietnam are written and administered in ways that are consistent with international human rights standards, including the requirements of the International Covenant on Civil and Political Rights.

(b) **CONTACTS WITH OTHER ORGANIZATIONS.**—In preparing the report under subsection (a), the Secretary shall, as appropriate, seek out and maintain contacts with nongovernmental organizations and human rights advocates (including Vietnamese-Americans and human rights advocates in Vietnam), including receiving reports and updates from such organizations and evaluating such reports. The Secretary shall also seek to consult with the United States Commission on International Religious Freedom for appropriate sections of the report.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. **FALEOMAVAEGA**) and the gentleman from New Jersey (Mr. **SMITH**) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

GENERAL LEAVE

Mr. **FALEOMAVAEGA**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from American Samoa?

There was no objection.

Mr. **FALEOMAVAEGA**. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of this resolution. I would be remiss if I do not first recognize my good friend, the gentleman from New Jersey. Not only do I have the highest respect for him but certainly as a champion of human rights issues all over the world, and for this I want to commend him for his authorship of this proposed bill. And I would like to also thank Chairman **LANTOS** and senior Ranking Member

ROS-LEHTINEN, the leadership of our Foreign Affairs Committee, for their support and efforts in bringing this proposed legislation for consideration by our colleagues.

Mr. Speaker, Vietnam stands at a crossroads, and the world is watching carefully to see the choices that it will make.

Like many other countries of the world, Vietnam has a responsibility to protect human and religious rights and provide political freedoms to its people. The Vietnamese people and their leaders should have a deep appreciation of the need to protect and foster the human rights of its people especially after being subjected to many years of abuse and dictatorial and colonial rule of the French Government.

I commend Vietnam's efforts to improve its economy, which grew by over 8 percent last year. In November also of last year, Vietnam played host to the Asian Pacific Economic Cooperation summit, and in January it joined the World Trade Organization. So we must recognize the extraordinary economic achievements Vietnam has made in a short time. This economic growth has bettered the lives of millions of the people of Vietnam.

But recent reports have given serious indications on how the Vietnamese Government has arrested and placed several religious and political leaders in prison without due process and in violation of their human rights.

Mr. Speaker, Congress played an important role in seeing that Vietnam became a member of the World Trade Organization. And yet since its accession, Vietnam has arrested numerous individuals simply for peacefully advocating for democracy.

Vietnam continues to limit freedom of religion, freedom of the press, and freedom of information. It remains as a one-party political system in which the Communist Party is the final arbiter of all decisions.

Mr. Speaker, U.S. engagement with Vietnam has helped spur economic growth and improvements in the lives of the Vietnamese people. But engagement must not be limited to foreign direct investment. We must also seize the opportunity to work with Vietnam to promote political openness and improve human rights.

This bill promotes just this kind of engagement. It prohibits increased assistance to Vietnam above fiscal year 2007 levels other than for humanitarian efforts. This bill makes it clear to Vietnam that the only factor limiting increased aid is positive action by the Vietnamese Government on political, human, and religious rights.

The bill also supports civil society groups in Vietnam that promote human rights. It supports educational exchanges that would enhance freedom and democracy in that country. And it makes it the policy of the United States to offer safe resettlement here to those who are forced to flee Vietnam and become refugees.